



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

MARRIAGE AND DIVORCE FROM A LAY POINT OF VIEW.

BY ELIZABETH CARPENTER.

IN the April number of the NORTH AMERICAN REVIEW a high authority in the Protestant Episcopal Church arraigned what he called "Catholic Theory and Practice" concerning "Remarriage after Divorce," and in the May issue an equally authoritative member of the Church of Rome published an able defence, vindicating the Romanist's theory and justifying his practice. It is certainly true that the outside world, deeply interested in this vital human problem and finding some of its phases thus expressed by men eminent in ecclesiastical affairs, has read with attention all that has been said and has recognized the sincerity and dignity with which both views have been stated. But to the lay mind, to the dweller in the restless mart of unceasing change (which is the inevitable characteristic of the world at large), the opinions of these earnest Churchmen seem sadly inadequate—somehow, most depressingly beside the point.

There is a vast field of human experience out and beyond the farthest range of the ecclesiasticism of to-day. There are so many overt facts in modern living that simply refuse to coalesce with ecclesiastical theories, that the would-be clear-headed thinker is tossed to and fro between divorce and no-divorce, until he turns finally away from both Protestant and Catholic and seeks firm ground, as best he may, in the large, sane sense of an ever-progressing moral ideal in the great world.

It is to this tremendous factor in our present problem that I venture to call attention here; and, with the deepest respect for the Church in all its branches, and an honest appreciation of its splendid service to mankind, I still am moved to urge that, in the solution of the divorce-remarriage question, the Church herself

is now presenting perhaps the greatest stumbling-block which the unbiased thinker is obliged to face.

What are the facts? The answer has been voiced in a late book* by a most honored member of the Protestant Episcopal Church:

"It is plain that Christ had in mind a Church; it is as plain that the thing which we call the Church is not the thing He had in mind. The difficulty which one confronts at the outset is to find the thing at all.

"To speak exactly, there is no objective reality to which the title 'Christian Church' can be applied. . . . There are not one-half as many separate governments in the world to-day as there were even a century ago. So far as one can see, there is a much more immediate prospect of a Catholic State than of a Catholic Church. It is a startling fact that the most potent divisive force at work in human society is the Church."

This is, perhaps, the strongest impression which remains with the general reader after he has attempted to digest some of the many conflicting views in the theological realm.

What is the logical conclusion? Simply that, upon so grave a subject as the marriage, the divorce and the remarriage of the men and women in our world of to-day, the one stable place from which we may reasonably look for guidance is the concrete experience of the human race as shown in its secular laws, its prevailing customs and its undeveloped ideals.

Now, what is the actual truth about our world of to-day? No student of history may doubt for one moment that the story of human experience has been one long, unceasing, untiring progression towards higher ethical expression, towards deeper spiritual truths. With all our faults and foibles admitted, it still remains true that the present generation is the most honest, the most upright, the most earnest and the most chaste aggregation of people that this planet has yet evolved. We are more kind, more generous, more temperate, more true and more fundamentally refined than any of our ancestors; and it is quite possible that it might be proven that we are also more religious.

But Bishop Doane writes, with evident personal conviction:

"I have not the slightest doubt that an increasing number of people will hold the Prayer-Book teaching, that the Church contemplates the marriage of one woman to one man until they are parted by death; and I have no doubt that a decreasing number of people will believe that adultery dissolves the bond."

* "Christ," by S. D. McConnell, D.D., LL.D.

The overt facts in modern daily living do not seem to sustain this opinion; and, indeed, the contrary conclusion is very much to the fore, at least in non-ecclesiastical circles. An increasing number of divorces is, in truth, the cause of the increasing discussion of them; but here the lay mind reaches a curious situation. Emerson says that women are the true index of the coming hour, and it may now be taken for granted that the position of woman in the social scale is in direct proportion to the civilization and the moral status of the men of her especial age or nation.

Searching for concrete illustration in the nineteenth century, what do we discover? In the world of art, of literature, of music, of science—in the ranks which represent the highest capabilities of the race in active play—what is the record? A list of very significant names. Goethe, Wagner, George Eliot, Robert Louis Stevenson: Millais and Ruskin; George Sand; Victor Hugo; Edwin Arnold, and many more, all counting as strong, moral and spiritual forces in the elevation of their day, and yet one and all voicing the insistent reiteration of precisely the situation which the Church authorities claim to be unlawful, immoral and destructive to general society. Here are stubborn and most contradictory facts. And in the field of fiction what is the count? A very large majority of good novels, written by upright and honorable men and women, insisting that morality and spirituality cannot be measured by the rule of conventual custom, and that there is possible a cleanliness of soul in spite of cruel experiences of mind and body.

Three good and noble women, for instance—three great moralists—three spiritual teachers, in the highest sense, have given to our day the fervor and the force of the feminine nature striving towards perfection in ethical and moral values, and what is their testimony? George Eliot put aside the English law and married George Lewes; Mrs. Browning wrote "*Aurora Leigh*," and Mrs. Humphry Ward has published "*Lady Rose's Daughter*" and "*The Marriage of William Ashe*." What is the teaching? In George Eliot's case, that there may be reconciliation, through personal purity, between an unjust law and an individual need. In the story of "*Aurora Leigh*," Mrs. Browning worked out, through Marian Earle and the Lady Waldemar, the subtle truth that a pure heart may survive the blackest physical experience and become a valuable moral force, while an impure mind, hedged

about by convention and social custom, may illustrate as debasing and as dangerous an influence as society can well encounter. And Mrs. Ward? In three of her books she has accentuated the plea that illegality in social relations does not finally soil the human spirit. In short, all these women taught that only evil persisted in and springing from tainted minds is a menace to our world, and that sin, rightly understood, is an educative force and never a final and irretrievable mistake.

Thus there is reached a situation which presents this curious contrast; on one side, the Church insisting upon indissoluble marriage, and, on the other, three moral and typically pure modern women standing for a freedom in the marriage relation which gives the individual every chance to retrieve past errors and reconstruct the personal life on a higher plane.

And even here the testimony is by no means closed. In this REVIEW for December, 1900, Mrs. E. C. Stanton said:

"The first step to be taken in the effort to elevate home life is to make provision for the broadest possible education of women. Mrs. Thompson attributes the increasing number of divorces to the moral degeneracy of woman; whereas it is the result of higher moral perceptions as to the mother's responsibilities to the race. Woman has not heard in vain the warning voices of the prophets, ringing down through the centuries: 'The sins of the fathers shall be visited upon the children unto the third and fourth generations.' The more woman appreciates the influences in prenatal life, . . . the more divorces we shall have, until girls enter this relation with greater care and wisdom. When Naquet's divorce bill passed the French Chamber of Deputies there were three thousand divorces asked for the first year, and most of the applicants were women."

Shall any one of us venture so far as to accuse these broad-minded, clean-hearted modern women of any kinship with low moral values or imperfect spiritual conceptions? Shall we have temerity enough to even hint that this teaching can possibly be dragged down to the degrading deeps where seethe and fester the evil impulses of unbridled and licentious beings—such beings as the Church insists are always the ones who clamor for easy divorce and easier remarriage? Will statistics show that even a majority, no matter how small, of those who seek relief from the marriage bond and then marry another mate, are the men and women whose tenor of daily life is a menace to their fellow beings?

Let us add to the names of the four women just quoted those of the almost innumerable thinkers and workers in the productive field of human thought. Begin with Dante and his defence of Paolo and Francesca, and close with Richard Wagner's *Tristan and Isolde*. What is the unavoidable conclusion? Always this: in the development of the separate individuals who make up the sum total of any age, it is not unyielding obedience to non-unanimous law (either in Church or State), but it is the struggle to understand the power that makes for righteousness within a man, which invariably leads on towards ever higher standards of moral and spiritual living.

Is it not pertinent to ask here, where we may find the human institution—the human law—which can prove that it has actually restrained the human wrong-doer at all points? The State has had long experience, but even to-day the State cannot do better than shut the sinner behind strong bars and isolate him from his fellow men. Even at its best, the penal system is a depressing failure. To put a debtor in jail did not pay his debts, or help him to want to pay them. To shut an impressionable, emotional human being behind the bars of a cramping and irritating marriage is not to calm and curb his unstable impulses, nor yet to purify and improve his moral atmosphere.

Upon the marriage question the State takes the philosophical ground that the less she interferes the better. The State, after long centuries of experience of social evolution, reaches the decision that, when she conserves the stability of human living and protects the innocent from the impositions of the guilty, she has done her whole duty, and the individual is free to work out his own salvation upon his own peculiar lines. The State grants, therefore, the right to marry, under certain conditions; she also consents to divorce for certain causes, and considers the welfare of the family; and then she permits remarriage, as soon as divorce is legitimately obtained.

But the Church? She has a different doctrine. She has her high standards, and the world respects her for them; she has stood for some great things in the past and men honor her and thank her unceasingly; but—let us frankly admit the truth—every time the Church has been fronted with a virile, dominant, insistent human will, in spite of her laws, in spite of her punishments, in spite of all her pleadings, that undismayed individual

has forced ecclesiasticism into compliance with his (or her) will and has triumphantly won the day.

We may waive the question of Henry VIII and of Louis XII, but who does not know the story of the marriage of "Ferdinand the Catholic" to Isabella of Castile? Prescott says:

"The marriage between Ferdinand and Isabella was publicly celebrated, on the morning of the 19th of October. . . . The nuptials were solemnized in the presence of Ferdinand's grandfather, the admiral of Castile, of the archbishop of Toledo, and a multitude of persons of rank, as well as of inferior condition, amounting in all to no less than two thousand. A papal bull of dispensation was produced by the archbishop, relieving the parties from the impediment incurred by their falling within the prohibited degrees of consanguinity. This spurious document was afterwards discovered to have been devised by the old king of Aragon, Ferdinand, and the archbishop, who were deterred from applying to the court of Rome by the zeal with which it openly espoused the interests of Henry, and who knew that Isabella would never consent to a union repugnant to the canons of the established church, and one which involved such heavy ecclesiastical censures. A genuine bull of dispensation was obtained, some years later, from Sixtus the Fourth; but Isabella, whose honest mind abhorred everything like artifice, was filled with no little uneasiness and mortification at the discovery of the imposition."

In any fair mind, such facts as these may not impair the dignity of the Roman Church any farther than clever criminals, still at large in every age, may attain the honor of their State; but they prove a significant point.

The Roman Church, as a Church, has stood for high ideals and still stands for them; but in the heart of the Church itself history finds Alexander VI, the Borgian pope, vaunting unspeakable vice even from the papal chair itself; and, during the early Renaissance, the student discovers such base practices, in the face of the finest theories, that the Reformation was a necessity to cleanse and re-create the degenerating human spirit for which the Church was but a cover, conveniently hiding indescribable moral deformity. We read of the Cardinal Richelieu that he said of himself, "I decide upon what I wish to do; I accomplish my purpose; and, when it is done, I cover it all up with my cardinal's red robe."

And in Protestant circles? Dr. McConnell writes:

"The late Professor Bruce—whose orthodoxy none will question—has left on record these strange words: 'I am disposed to think that a great

and increasing portion of the moral worth of society lies outside the Christian Church, separated from it, not by godlessness, but rather by exceptionally intense moral earnestness. Many, in fact, have left the Church in order to be Christians.' . . . No people has been converted to Christianity for nearly a thousand years. There are, no doubt, many explanations of this. But there is one which the Christian man cannot contemplate but with pain. It is that the moral ideas of men have overtaken and passed beyond and above those contained in the doctrinal presentations of Christianity."

Thus, the lay mind, perhaps even more eager for the common good of the world than the rigid ecclesiastic, turns disheartened away from complex dogmas and confusing prohibitions, and seeks comfort and hope in the certain uplift of the human spirit and the growing dream of ultimate purity.

None disputes—neither Catholic nor Protestant, and least of all "the lay brother"—none disputes the nobility, the *propriety* of monogamous marriage. Polygyny and polyandry have proven their innate weakness, even an innate viciousness, by invariably deteriorating results in human moral fibre. One man and one woman together at one time, each complementing the other's personal life, is the highest reach of sexual living, and the experience of the world has justified the insistence, in both Church and State (in all Christian communities), upon this fundamentally moral and spiritually helpful relation.

But why not rest there, and trust something, at least, to the proven tendency of man to continually elevate and refine his physical, mental, moral and spiritual condition? Why, in the twentieth century, attempt to take a step backwards and force upon a protesting civilization drastic restrictions in the way of personal living, such as were of no avail in ages when the average man was more subservient to the Church than he is to-day?

It was publicly stated, some years ago, that in the State of New York there were twenty thousand women supporting drunken husbands. Forty thousand human beings, in one single State, daily living out a low, demoralizing, debasing scheme of life on a simply destructive ethical plane! The twenty thousand husbands encouraged in their drunkenness, because sure of food and shelter at home; the twenty thousand wives slowly, but surely, undermining their own moral and spiritual values by constant and intimate association with vice and vulgarity! Nay, worse; a possible sixty or seventy or eighty or a hundred thousand children

thrust into the nation's future, every one of them inheriting the depreciated moral standards of their common parentage! It is an appalling accusation to lay at the door of indissoluble marriage, when divorce and remarriage might offer to every one of those twenty thousand women an opportunity to profit by her past pain, and so link herself to an honest, sober man who could and would encourage and develop in her her instinctive yearnings towards decency and prosperity. It is not an unthinkable thing. It has been proven often enough to give ecclesiasticism pause.

A wise critic of Robert Louis Stevenson and his philosophy wrote some time ago:

"All this we may regard as, in a sense, the present-day phase of the answer to Teufelsdröckh's question, 'What *art* thou afraid of?' And, perhaps, the age will bear it if for once we *do* leave our inveterate presupposition of man's innate corruption unregarded, and dare to let self-expression, trained as it is through a long growth of ennobling and Christianizing ideas, be large and untrammelled. It is well at least to know, if we may, that when left to his natural self, man may signify more than tobacco and gin and lust,—that there are at the bases of his nature thoroughly sound and respectable traits, after all."

Now, Robert Louis Stevenson's life was one which the Church (at least as represented in the two articles so lately printed) would unhesitatingly pronounce as illegal and unpardonable. Would such an attitude even suggest justice, when it confronted the man who, above most others in our especial day, taught to a responsive and loving generation a most beautiful and elevating ideal of personal and religious life? Orthodoxy may find weak points in George Eliot's armor, since she was an avowed agnostic; but no such charge as might impugn his religious faith and trust can be made against the writer of the Vailima Letters. Somehow, there is a ring to Stevenson's orthodoxy that reaches down to the inmost fibres of all human soul-stuff, there to awaken and quicken a thousand responsive aspirations towards actual integrity. It is not a forbidding ban frowning the sinner away from remote and only possible evil; it is a trumpet-call towards the outdoor, healthy moral atmosphere where goodness is substantial gain and cleanly living an inviting reality.

France has been alluded to several times. France, as every one knows, tried the Roman Catholic system for many years—but France, too, failed. No Anglo-Saxon is willing to admit to-day

that either French theory or French practice in the matrimonial world is the best way towards conjugal fidelity or social success in basic morality. One of her kindest critics writes:*

"If marriage is understood by an entire society not to be a contrivance to 'bind love to last forever,' the principal objection to binding marriage to last forever disappears. Every instinct of form, of propriety, of regularity, every instinct which shrinks from social disturbance counsels the permanence of marriage, which thus becomes purely an affair of reason. Family relations, property interests, children's future, the organic solidarity of communities are in this way distinctly served. It is personal morality which suffers, because society is immediately adjusted to the notion that marriage is a convention merely, and that offences against marriage appeal to the tribunal of manners rather than of morals. And not only does morality suffer, but marriage unquestionably tends to become materialized."

The theory of indissoluble marriage, then, apparently will not "work out" well in practice. The spectacle of materialized marriages and the miserable blot of prostitution, which blackens the face of all monogamous society to-day, are things with which it seems that the Church does not sufficiently concern itself.

Dr. Felix Adler, in a late address on the subject of divorce and remarriage, gave as an illustration of the evil possibilities of liberal laws the fact that one woman had been divorced and remarried no less than five times, and that at least once she was remarried and then separated a second time from her first husband. Could intelligent people think soberly of such a case as a warning against proper separations and proper reunions? For such a woman as Dr. Adler pictured there is no Church, no State, no social order, no possible human force (except absolute isolation from her kind) that could ever succeed in curbing the fundamental lawlessness of her being. She is not a type of the latter-day woman; she is a lingering remainder from the old, old days of promiscuous human living.

There is still one more point. It is a conceivable thing that two people, living strictly within the most circumscribed conventional limitations, two people legally wedded and outwardly unimpeachable, may yet express their daily lives on an absolutely low and demoralizing plane; one which is an hourly menace to every community which happens to harbor them. "It is personal

* "French Traits," by W. C. Brownell.

morality that suffers"; upon what but personal morality may any of us hope to found a respectable community, a safe promise for the future of the children of our race?

On the converse side, "to keep within the law" is by no means final proof that a man or a woman must necessarily be even a fairly moral being or an infinitesimally spiritual one. But, again, to have broken the overt law once, twice or many times is not conclusive proof of basic moral wickedness. The Church has taught insistently that any sin, repented of, may be absolutely forgiven; and it is the Magdalen who stands significantly in the Christian foreground.

Where then is our hope? Can it be in an ecclesiastical code that seeks to fasten upon thousands of virtuous men and women the fetters of indissoluble union, in order to make a vain attempt (an attempt proven to be vain) to regulate the immoral tendencies of the ever-decreasing few? Let us comfort ourselves continually, for this ever-decreasing few is a provable verity. Life heretofore has spelled progress in its unfolding centuries of experience. Why even imagine that it could spell failure in the future?

"Whom God hath joined together let no man put asunder." Every thinking soul alive willingly subscribes to that dictum. But does it need our support? Whom God hath joined together man cannot part, even if he invokes both the Church and the State to help him. But, when there is every possible evidence that God is putting two people asunder, what shall we say of the blind folly that tries to force them together?

If there is one conceivable state in our human affairs where the point at issue is overwhelmingly personal, it is in the marriage tie. As the mutual love, respect and trust of two sentient beings unfold on a plane of reasonable comfort and happiness, so their whole environment sensibly expands, develops, rises towards still higher planes of well-being for their offspring, towards still nobler issues for their contemporaries. But, if two fretted, fuming and unfortunate souls drag out hours and days and months and years in one long, unbroken antagonism, is it at all possible to evolve from such conflict, such chagrin, such despair, anything but subtle deterioration of personal morality, and ultimate and irreparable injury to their children?

More potent moral force, more active spiritual good is lost to the world through one unhappy marriage, persisted in until

death, than may be regained by a score of happy unions, all of which must be exceptionally fortunate to overcome the "dead loss," as Emerson calls it, of the structural moral fibres.

The Church agrees with the State in that she permits separations, and thereby admits that some marriages may be more wicked than any divorce. But remarriage? Is it proven in human experience that, among self-restrained and refined people, a change in close companionship is necessarily a harmful thing?

Was it against Wagner's best self to marry Cosima? Was it inimical to the character of George Lewes that he joined his life to that of George Eliot? What does Browning mean in the story of Pompilia and Caponsacchi? Until the Church answers all such questions as these, with their almost numberless companions; until she can show that, even among her own members, her practice has followed her preaching, the lay mind must refuse to accept her position as tenable; it persistently reiterates that it is the spirit that quickeneth and it is the letter that kills.

Man in the past originated government, law and religious institutions; if, then, he voluntarily organized certain forces to restrain, to govern and to stimulate his moral nature into free play, can we not trust him now to work out his future problems without the old, hard severities which time has shown to be actual mistakes?

It is in no spirit of controversy; it is with no presumptuous pride that this plea is offered here for gentler judgments of the puzzling problems in the matrimonial world; it is only with an honest desire to contribute a lay point of view towards a possible comprehension of the intrusive fact that, thus far, at least, in the development of our "intuitive morality," we have not yet arrived at certain knowledge, but we are all apparently, at our very best, only "pushing the boundaries of our ignorance out."

ELIZABETH CARPENTER.